

NEW YORK SUPREME COURT  
APPELLATE DIVISION - SECOND DEPARTMENT

Exhibit E

-----x  
In the Matter of the Application :

of :

CONSOLIDATED EDISON COMPANY OF NEW  
YORK, INC., :

Petitioner-Respondent, .:

INDEX NO.

NOTICE OF MOTION  
TO DISMISS  
APPEAL

To review a determination of, and for  
an Order and Judgment pursuant to  
Article 78 of the CPLR to annul the  
determination denying a variance, :

- against -

WALTER HOFFMAN, GERALD MARALLO,  
JOHN MORAITIS, WILLIAM MURRAY, and  
JOHN KOBIEROWSKI, as the Zoning Board  
of Appeals of the Village of Buchanan,  
New York, :

Respondents-Appellants, :

HUDSON RIVER FISHERMEN'S ASSOCIATION,  
Intervenor-Petitioner-Respondent. :

-----x  
S I R S:

PLEASE TAKE NOTICE, that upon the annexed affirmed  
statement of EDWARD J. SACK dated the 8th day of March 1976  
and the Notice of Appeal dated the 2nd day of January 1976,  
the petitioner-respondent will move this Court at a Term  
thereof for motions to be held at the courthouse of the Ap-  
pellate Division of the Supreme Court of the State of New

York, Second Judicial Department, 44 Monroe Place, Brooklyn, New York, on the 19th day of March 1976 at 9:30 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard for an order dismissing the appeal taken by the respondents-appellants herein from the judgment of the Supreme Court, Westchester County, entered in the office of the Clerk of the County of Westchester on the 9th day of December 1975 upon the ground that the respondents-appellants have failed to file and serve the papers required to be filed and served under Rule 5530 of the Civil Practice Law and Rules, and for such other and further relief as may be just and proper, together with the costs of this motion.

Dated: New York, New York  
March 8, 1976

Yours, etc.

WILLIAMS & O'NEILL  
Attorneys for Petitioner-Respondent  
Consolidated Edison Company  
of New York, Inc.

Address:  
130 East 15th Street  
Borough of Manhattan  
New York, N.Y. 10003

TO:

Henry J. Smith, Esq.  
McCARTHY, FINGAR, DONOVAN & GLATTHAAR,  
Attorneys for Respondents-Appellants, as

Special Counsel to  
Carl R. D'Alvia,  
Village Attorney,  
Village of Buchanan  
175 Main Street  
White Plains, New York 10601

Ross Sandler, Esq.  
NATURAL RESOURCES DEFENSE COUNCIL, INC.  
Attorneys for Intervenor-Petitioner-  
Respondent  
Hudson River Fishermen's Association  
15 West 44th Street  
New York, New York 10036